

City of Heyburn Council Meeting
Wednesday, February 12, 2020
7:00 P.M.

Mayor: Mayor Mark Rosa.

Council Present: Chad Anderson, Dick Galbraith, and Rose Schmitt.

Absent: Joanne Justesen.

Employees Present:

Tony Morley, Paul Ross, and Ashlee Langley.

Welcome & Pledge

Meeting conducted by Mayor Mark Rosa who welcomed everyone to the meeting and asked George Anderson to lead those present in the Pledge of Allegiance.

Discuss / Consider Minutes of the January 22, 2020 Council Meeting & the February 04, 2020 City Council Work Meeting – ACTION ITEM

Motion by Chad Anderson to approve the minutes of the January 22, 2020 Council Meeting & the February 04, 2020 City Council Work Meeting as presented. Second by Rose Schmitt. Roll-Call Vote: Chad Anderson – Aye; Dick Galbraith – Aye; Rose Schmitt – Aye.

Discuss / Consider Paying the Bills – ACTION ITEM

Motion by Dick Galbraith to approve the bills as presented. Second by Chad Anderson. Roll-Call Vote: Chad Anderson – Aye; Dick Galbraith – Aye; Rose Schmitt – Aye.

Discuss / Consider Wastewater Treatment Plant Improvement Contractor's Application for Payment No. 2– ACTION ITEM

City Administrator Tony Morley presented Payment Application No. 2 for the Wastewater Treatment Plant Improvements. Mr. Morley provided those present a brief overview of the process to compile, review, and submit the Payment Applications to Council.

Motion by Dick Galbraith to approve Wastewater Treatment Plant Improvement Contractor's Application Payment No. 2 in the amount of \$348,679 as presented. Second by Rose Schmitt. Roll-Call Vote: Chad Anderson – Aye; Dick Galbraith – Aye; Rose Schmitt – Aye.

Discuss / Consider Heyburn R & 17th Street Lift Station Replacement 50% Design Level Selecting an Alternate – Forsgren Associates, Jason Broom – ACTION ITEM

Jason Broom, Project Engineer for Forsgren Associates presented an update to those present of the design of R & 17th Street Lift Station. Mr. Broom presented three design options for the city council to choose from. Mr. Broom recommended option #2 stating this option has the best balance between costs, layout, and disruption/pumping.

Motion by Dick Galbraith to approve 50% Design Level and select Alternate # 2 as presented. Second by Chad Anderson. Roll-Call Vote: Chad Anderson – Aye; Dick Galbraith – Aye; Rose Schmitt – Aye.

Discuss / Consider Pump Track at Central Park – ACTION ITEM

Mayor Rosa asked the city council to consider if they would like to move forward with the Pump Track Design that was presented at the last city council meeting. Mayor Rosa stated that Parks Department Manager Jose Paz asked to move the pump track design from Central Park to Dayley Park.

Those present reviewed the design for the pump track and discussed concerns regarding insurance, cost to install, and use of employee's time.

After discussion, this item was tabled for more information.

Discuss / Consider Amended 2020 Camp Host Agreement with Dale L. Lynn and Pamela R. Lynn – ACTION ITEM

City Clerk Ashlee Langley presented the Amended 2020 Camp Host Agreements to those present. Mrs. Langley stated the reason for the Amended Agreements is to include the additional \$200 for the months of April through October for ground maintenance.

Motion by Chad Anderson to approve Amended 2020 Camp Host Agreement with Dale L. Lynn and Pamela R. Lynn as presented. Second by Dick Galbraith. Roll-Call Vote: Chad Anderson – Aye; Dick Galbraith – Aye; Rose Schmitt – Aye.

Discuss / Consider Amended 2020 Camp Host Agreement with Lewis Kennedy and Evonna Kennedy – ACTION ITEM

Motion by Chad Anderson to approve Amended 2020 Camp Host Agreement with Lewis Kennedy and Evonna Kennedy as presented. Second by Rose Schmitt. Roll-Call Vote: Chad Anderson – Aye; Dick Galbraith – Aye; Rose Schmitt – Aye.

Discuss / Consider Adoption of Ordinance No. 2020-622 Ordinance of the City of Heyburn, Amending Title 1 Chapter 2 Remove City Administrator from having Authority over Personnel; and Providing Effective Date. First of Three Readings, by Title Only – ACTION ITEM

Mayor Rosa stated he still believes that the current ordinance conflicts with the state statute. Mayor Rosa stated he would be willing to work with the council to come to an agreement. Mayor Rosa stated he would consider inserting language regarding a human resource policy and how those functions would be administered.

Those present reviewed three versions of Ordinance No. 2020-622 drafted by City Attorney Paul Ross.

Councilman Dick Galbraith stated that he would like more time to review the proposed ordinances therefor he is not ready to take any action at this time.

City Attorney Paul Ross stated that he does not believe there is anything illegal or improper with the current ordinance, but ordinances can always be updated, tweaked, or modified.

Councilwoman Rose Schmitt stated she believes the city should leave things as is for now. Mrs. Schmitt stated she is not ready to move forward at this time.

After a brief discussion, this item was tabled.

Discuss / Consider Adoption of Ordinance No. 2020-623 Ordinance of the City of Heyburn, Amending Heyburn Code Title 7 Chapter 1 Updating Animal Control Code; and Providing Effective Date. Second of Three Readings, by Title Only – ACTION ITEM

Mayor Rosa stated the city council held a Work Meeting on February 04, 2020 to discuss this ordinance. Mayor Rosa read parts of a statement he prepared to those present sharing his views on section 7-1-3(E) Rabid Dogs of the ordinance. Mayor Rosa stated he still has a problem with the language regarding dogs with a second or subsequent dog bite shall be immediately destroyed upon capture.

Councilman Chad Anderson stated this section of the ordinance is for Rabid Dogs only.

Motion by Rose Schmitt to have City Attorney Paul Ross read Ordinance No. 2020-623 for the second of three readings, by title only. Second by Dick Galbraith. Roll-Call Vote: Chad Anderson – Aye; Dick Galbraith – Aye; Rose Schmitt – Aye.

City Attorney Paul Ross read Ordinance No. 2020-623 for the second of three readings, by title only.

Discuss / Consider Sanitation Services Contract with Total Waste Management – ACTION ITEM

City Administrator Tony Morley stated he met with Lyle Santos owner of Total Waste Management regarding the contract terms. Mr. Morley stated Mr. Santos has already signed the proposed contract.

The city council asked for clarification on the Spring and Fall Cleanup wording. The current contract states roll-off containers will be provided for 5 to 10 days in Spring and Fall for City cleanup. Those present discussed inserting language about the city council determining the length of spring cleanup on a year to year basis.

After a brief discussion, this item was tabled for revisions regarding Spring and Fall Cleanup.

Discuss / Consider Authorization and Assignment to Transfer Collection Accounts from Magic Valley Collections to Statewide Collections, Inc. – ACTION ITEM

City Clerk Ashlee Langley stated the city has been using Magic Valley Collections & Recovery for their collection accounts. Mrs. Langley stated MVCR is closing. Mrs. Langley stated she checked into other agencies and would recommend transferring the cities collection accounts to Statewide Collection, Inc., Twin Falls.

Motion by Dick Galbraith to approve Authorization and Assignment to Transfer Collection Accounts from Magic Valley Collections to Statewide Collections, Inc. as presented. Second by Chad Anderson. Roll-Call Vote: Chad Anderson – Aye; Dick Galbraith – Aye; Rose Schmitt – Aye.

Discuss / Consider Addendum “C” to the Service Level Agreement for Electronic Transaction and Access with Access Idaho – ACTION ITEM

City Clerk Ashlee Langley asked the city council to consider Addendum “C” to the Service Level Agreement for Electronic Transactions with Access Idaho. Mrs. Langley stated this agreement is to allow the city to use the updated platform for online Payments. Mrs. Langley stated this change is at no cost to the city.

Motion by Chad Anderson to approve the Addendum “C” to the Service Level Agreement for Electronic Transaction and Access with Access Idaho as presented. Second by Rose Schmitt. Roll-Call Vote: Chad Anderson – Aye; Dick Galbraith – Aye; Rose Schmitt – Aye.

Discuss / Consider Policy Regarding the use of CBD Oil – ACTION ITEM

Those present discussed a possible policy regarding the use of CBD Oil by city employees. City Administrator Tony Morley stated the issue is that CBD Oil is not currently regulated by the FDA and may contain trace amounts of THC. Mr. Morley stated THC shows up on DOT testing. City Attorney Paul Ross and Police Chief Dan Bristol also talked about state law and policies and potential issues.

Motion by Dick Galbraith to deny moving forward with a Policy Regarding the use of CBD Oil. Second by Rose Schmitt. Roll-Call Vote: Chad Anderson – Aye; Dick Galbraith – Aye; Rose Schmitt – Aye.

Mayors Time & Committee Reports

Mayor Rosa stated he received a letter from the city of Burley asking for the cities support regarding the possible creation of an Airport District. Mayor Rosa stated he will place this on the next city council agenda for discussion.

Mayor Rosa stated a letter from the Idaho Conservation League was uploaded to the city council packet. Mr. Rosa stated he will place this on the next city council agenda for discussion.

Comments from the Public (Each person has 3 min. to comment)

Mayor Rosa opened this time up to the public for additional comments.

George Anderson commented on the use of CBD Oil stating that he felt the city council made a good decision.

Executive Session

Pursuant to Idaho Code 74-206(1)(b) to consider the evaluation, dismissal, or disciplining of, or to hear complaints or charges, brought against, a public officer, employee, staff member or individual agent, or public school student; and (f) to communicate with legal counsel for the public agency to discuss the legal ramifications of and legal options for pending litigation, or controversies not yet being litigated but imminently likely to be litigated. – ACTION ITEM

Mayor Rosa stated that executive session was placed on the agenda by Councilwoman Joanne Justesen and she is absent. Mayor Rosa asked if any other members of the council had anything to discuss in executive session.

This item was tabled.

Motion to Adjourn - ACTION ITEM

Mayor Rosa asked for a motion to adjourn the meeting.

Motion by Rose Schmitt to adjourn the council meeting. Second by Dick Galbraith. Roll-Call Vote: Chad Anderson – Aye; Dick Galbraith – Aye; Rose Schmitt – Aye.

The council meeting adjourned at 8:15 PM.

Mark Rosa
Mayor

Ashlee Langley
City Clerk/Treasurer